

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

In Re:

LINDA ROSE GHAFARI

Debtor

Case No. 11-12331-t11

Chapter 11

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND TO ABANDON PROPERTY
KNOWN AS 11323 BLYTHE ST., SUN VALLEY, CALIFORNIA 91352**

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-1 ("Movant"), by its counsel, hereby moves the Court to obtain relief from the automatic stay and in support thereof states as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362 and Bankruptcy Rule 4001. This matter is a core proceeding as defined by 28 U.S.C. § 157.

2. On May 20, 2011, Linda Rose Ghaffari ("Debtors") filed in this Court a Petition under Chapter 11 of the United States Bankruptcy Code.

3. Alice Nystel Page is appointed as the attorney for the United States Trustee for the Debtor's bankruptcy estate.

4. Movant is the holder of a Promissory Note dated February 14, 2007, in the original amount of \$437,800.00, and secured by Deed of Trust. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices,

itemized statements of running accounts, contracts, judgments, mortgages and security agreements in support of right to seek relief from the automatic stay and foreclose if necessary.

5. The subject Deed of Trust recorded February 21, 2007 at document number 20070369466, secures a parcel of real property (hereinafter "the Property") located at 11323 Blythe Street, Sun Valley, California 91352 with a legal description:

LOT 16, OF TRACT NO. 16328, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 485 PAGE(S) 5 TO 7 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

6. The debtor is the owner of the Property.

7. The Debtor is currently in default on the Note and in arrears for one hundred (100) monthly mortgage installments 08/01/11 - 09/01/18 @ \$3,272.28 each; 10/01/18 – 06/01/19 @ \$3,735.38 each; 07/01/19 – 11/01/2019 @ \$3,477.58 each, minus suspense \$3,116.93 with total arrears of \$329,305.47.

8. The unpaid principal balance on the Note is \$409,768.88 and the total amount currently owed is approximately \$685,956.80, including \$224,980.28 in interest, \$53,382.07 in escrow advances, \$752.50 in corporate advances, \$190.00 recording fees, minus suspense \$3,116.93.

9. The market value of the Property as stated in the Los Angeles County Assessors website is \$291,336.00. A copy is attached hereto. The Debtor has no equity in the Property.

11. The Debtor has not and cannot provide adequate protection to Movant.

WHEREFORE, Movant prays that the automatic stay of 11 U.S.C. §362 be terminated as to the real property, and an Order abandoning the property, so as to permit Movant to exercise all of its rights against the real property, under the Deed of Trust and applicable law, for its attorney fees and costs expended, and for such other and further relief as the Court deems appropriate.

Weinstein & Riley, P.S.

By: /s/ Elizabeth V. Friedenstien
Elizabeth V. Friedenstien, # 141568
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CERTIFICATE OF MAILING

I, Patricia Rychards, hereby certify that on November 25, 2019, I sent filing and electronic service on the below persons who are associated with the ECF system and via first class mail debtors a true and correct copy of the foregoing Motion for Relief from Automatic Stay and to Abandon Property Known as 11323 Blythe Street, Sun Valley, California 91352 to:

Sent via First-Class Mail

Debtor:

Linda Rose Ghaffari
9531 Via Salemo
Burbank, CA 91504

Debtor's Special Counsel

Mark S Sweetman
PO Box 397
Clovis, NM 88102-0397

The following parties received notice of the foregoing via the Court's ECF system:

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/s/ Patricia Rychards
